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8
9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10
11 Janice Mary Herbert,
12 Plaintiff,

13 v.

14 United States of America,
15 Defendant.

Case No. 2:20-cv-00917-JCM-BNW

**Stipulation and Order to Amend
Discovery Plan and Extend Deadlines
(Third Request)**

16 Pursuant to Local Rules IA 6-1 and 26-4, Plaintiff Janice Mary Herbert, and
17 Defendant United States of America, through counsel, submit the following Stipulation to
18 Extend Deadlines 30 days. This is the third request for an extension of case deadlines. No
19 trial date has yet been set in this matter.

20 **A. Discovery Completed:**

- 21 1. The parties have exchanged Rule 26(a) disclosures.
- 22 2. The United States has subpoenaed Plaintiff's medical records from health care
23 providers and continues to provide supplemental disclosure statements.
- 24 3. The United States served discovery requests including Requests for Production
25 and Interrogatories on Plaintiff.
- 26 4. The United States deposed Plaintiff on May 28, 2021.
- 27
- 28

1 **B. Discovery Remaining:**

2 The parties may serve additional written discovery and may conduct depositions of
3 Plaintiff's treating physicians. Additionally, the parties will designate and depose retained
4 and non-retained medical experts, if applicable.

5 **C. Need for Extension of Discovery Plan:**

6 Plaintiff filed her complaint on May 20, 2020. Plaintiff filed her First Amended
7 Complaint on October 12, 2020. The United States filed its answer to Plaintiff's First
8 Amended Complaint on October 13, 2020. On November 17, 2020, the parties stipulated to
9 dismissing Doe Defendants I through X, inclusive, and Roe Corporations I through X,
10 inclusive from the First Amended Complaint. On November 24, 2020, the parties filed their
11 Stipulated Discovery Plan and Scheduling Order. On December 1, 2020, the Court granted
12 the parties' Stipulated Discovery Plan and entered its Scheduling Order. On December 2,
13 2020, the Court granted the parties' stipulation to dismiss Doe Defendants I through X,
14 inclusive, and Roe Corporations I through X, inclusive. On March 1, 2021, the parties
15 entered into their first stipulation to amend the discovery plan and extend deadlines (ECF
16 No. 21). On March 5, 2021, the Court entered an order granting the parties' stipulation (ECF
17 No. 22). On April 13, 2021, the parties entered into their second stipulation to amend the
18 discovery plan and extend deadlines (ECF No. 23). On April 15, 2021, the Court entered an
19 order granting the parties' stipulation (ECF No. 24).

20 The parties continue to experience disruptions caused by the global COVID-19
21 pandemic. The attorneys and staff at the U.S. Attorney's Office are required to work
22 remotely, with limited support staff, until further notice. Consequently, counsel for the
23 United States has experienced delays in obtaining medical records and hiring experts.
24 Additionally, the parties anticipate difficulty scheduling depositions while social distancing
25 and quarantine orders are in place, particularly for treating physicians and expert witnesses.
26 As of the time of this filing, the parties do not know how long the pandemic's safety measures
27 will remain in effect.

1 **D. Proposed New Discovery Schedule**

2 **1. Discovery Cutoff Date:** Discovery cutoff is currently scheduled for September 24,
3 2021, and will be extended to **October 25, 2021**.

4 **2. Expert Disclosures:** Initial expert disclosures currently due on July 27, 2021, will
5 be continued to **August 26, 2021**; and rebuttal expert disclosures currently due August 24,
6 2021, will be continued to **September 23, 2021**.

7 **3. Dispositive Motions:** Dispositive motions currently due October 25, 2021, will be
8 continue to **November 24, 2021**, which is 30 days after discovery cutoff.

9 **4. Pretrial Order:** A Joint Pretrial Order shall be filed by **December 24, 2021**, which
10 is 30 days after the deadline for filing dispositive motions. However, if any dispositive
11 motions are filed, the Joint Pretrial Order shall be due 30 days after decision on such
12 motion(s). Disclosures under Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be
13 included in the Joint Pretrial Order.

14 Respectfully submitted this 6th day of July, 2021.

15 The Law Office of Casey Gish, Esq.

CHRISTOPHER CHIOU
Acting United States Attorney

16
17 /s/ Casey Gish
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21 **Order**

22 IT IS ORDERED that ECF No. 25 is GRANTED. The parties are strongly encouraged
23 to complete discovery by the deadline provided herein. However, to the extent the
24 parties seek any additional extensions, they must be more specific about why they
25 need additional time.

IT IS SO ORDERED

DATED: 2:03 pm, July 09, 2021

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28 **BRENDA WEKSLER**
UNITED STATES MAGISTRATE JUDGE